

**Title 129 - Department of Environmental Quality
Chapter 40**

Effective Date 12/15/98 (Rev. 5/29/95)

Chapter 40 - GENERAL CONFORMITY

001 Notwithstanding any other provisions of these regulations, Subpart B of Title 40 Code of Federal Regulations (CFR) Part 93, pertaining to Determining Conformity of General Federal Actions to State or Federal Implementation Plans, as published in the FEDERAL REGISTER on November 30, 1993, is hereby adopted and incorporated herein with exceptions as noted in 002 through 005.

002 The provisions of 001 apply only within that area of Douglas County designated nonattainment for lead in 40 CFR 81.328 (November 6, 1991).

003 Section 93.151 is not included in this incorporation by reference.

004 Subsection 93.160(f) shall be modified as follows:

(f) Written commitments to mitigation measures must be obtained prior to a positive conformity determination and such commitment must be fulfilled.

005 Subsection 93.160(g) shall be modified as follows:

(g) After the effective date of this incorporation by reference and EPA's approval, any agreements, including mitigation measures, necessary for a conformity determination will be both State and federally enforceable. Enforceability through the Nebraska State Implementation Plan will apply to all persons who agree to mitigate direct and indirect emissions associated with a Federal action for a conformity determination.

Enabling Legislation: Neb. Rev. Stat. §81-1504

Legal Citation: Title 129, Ch. 40, Nebraska Department of Environmental Quality

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